



08-07-00

533 Rec' CT/PTO 04 AUG 2000

Express Mail No.: EL 451 594 644 US

09/463474

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Int'l Application Of: Sinn *et al.*

Group Art Unit: To Be Assigned

Serial No.: 09/463,474

Examiner: To Be Assigned

Filing Date: 21 January 2000

Attorney Docket No.: 8484-077-999

International Filing Date: 12 August 1998

For: CONJUGATE FOR DIFFERENTIATING BETWEEN HEALTHY AND UNHEALTHY TISSUE

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed by the U.S. Patent and Trademark Office on 30 March 2000, Applicants submit the following documents to complete the filing for the above-identified application:

1. Executed Declaration and Power of Attorney signed by the inventor in compliance with 37 CFR 1.497(a) and (b);
2. Petition for Extension of Time (4 month);
3. Return copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
4. Request To Establish Small Entity Status; and
5. Executed Verified Statement Claiming Small Entity Status.

Applicants believes that the following fees are due for filing this response.

Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (small entity): \$ 65.00

Total Fees Due \$ 65.00

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Should the Commissioner determine that additional fees are payable, he is authorized to charge any underpayment or credit to Deposit Account No. 16-1150 for any matter in connection with this response which may be required. A copy of this sheet is attached.

Respectfully submitted,

Date 4 August 2000

Laura A. Coruzzi
Laura A. Coruzzi

by L. A. Coruzzi
Reg. # 42,983
30,742
(Reg. No.)

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1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosures

REFERRED TO
REC'D
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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

RECEIVED RECORDS

APR 06 2000
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& DOCKETING CA OFFICE

U.S. APPLICATION NO. 09/463474 ✓	FIRST NAMED APPLICANT H	ATTY. DOCKET NO. 8484-077-999
INTERNATIONAL APPLICATION NO. PCT/DE98/02102		
I.A. FILING DATE 22 JUL 98	PRIORITY DATE 23 JUL 97	DATE MAILED: 30 MAR 2000

PENNIE & EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036 2711

MAIL DATE CANCELLED
AUG 01 2000
UNITED STATES PATENT & TRADEMARK OFFICE

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
- ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
 - ☒ a non-English language.
 - ☐ English.
- ☒ Translation of the international application into English.
- ☐ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☒ Translation of Annexes to the International Preliminary Examination Report into English.
- ☒ Preliminary amendment(s) filed 21 JAN 2000 and
- ☐ Information Disclosure Statement(s) filed and
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed
- ☐ Verified Statement Claiming Small Entity Status.
- ☐ Priority Document.
- ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
- ☐ Other:

OATH/DECLARATION DUE 4/30/00

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
 - ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- 4. Translation of the Annexes **MUST** be submitted no later that the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
- 5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

☒ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Paulett Kidwell, Paralegal
Telephone: 703-305-3656



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

U.S. APPLICATION NO. 09/463474	FIRST NAMED APPLICANT H	ATTY. DOCKET NO. 8484-077-999
PENNIE & EDMONDS 1155 AVENUE OF THE AMERICAS NEW YORK, NY 10038 2711		
INTERNATIONAL APPLICATION NO. PCT/DE98/02102		
I.A. FILING DATE 22 JUL 98	PRIORITY DATE 23 JUL 97	
DATE MAILED: 30 MAR 2000		

MAIL DATE CANCELLED
O I P E
AUG 8 4 2000
PATENT & TRADEMARK OFFICE

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Paulette Kidwell, Paralegal

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